

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JOHN BARNHARDT, et al.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF-INTERVENOR

V.

**CIVIL ACTION NO. 4:65cv1300-HTW-LRA
(formerly 1300(E))**

**MERIDIAN MUNICIPAL SEPARATE
SCHOOL DISTRICT, et al.**

DEFENDANTS

Agreed Protective Order

Before the Court is the motion of the Defendant Meridian Municipal Separate School District, now known as Meridian Public School District ("District") for a protective order. The Court, having been informed of the facts, determines the motion is well taken and issues the following Protective Order:

1. By Order of August 10, 2011, this Court granted the United States' motion to compel discovery, ordering the Defendant District to respond to discovery requests by the United States in this case. The District responded to the requests on September 12, 2011, by producing documents Bates Nos. MSD 000001-031904, 033957-035557, and 035558-036128 which contain student names or other personal student identifiers.

2. All student names and other personal identifiers in these documents shall be deemed "confidential information." The confidential portions of the documents shall be kept confidential, secure, and used solely for purposes of this litigation and for no other purpose.

3. Such confidential information shall be made available only to "Qualified Persons" who shall read this Order. Neither the parties, their counsel, nor any other person with access

may disclose confidential information subject to this Protective Order to anyone who is not a "Qualified Person." "Qualified Persons" means (a) counsel for parties, their partners, associates, and employees who actually are assisting in the litigation; (b) the parties and their employees; (c) experts hired to assist the parties in the litigation; and (d) the Court and officers of the Court.

4. If confidential information is used in depositions or as deposition exhibits, the confidential portions of the deposition testimony and exhibits shall be marked as confidential and sealed if the District makes a statement to that effect on the record and/or by advising the court reporter within fifteen days of the conclusion of the deposition.

5. If the parties intend to file, submit, or use in hearings or at trial before this Court, confidential information, such confidential information shall be submitted under seal, redacted to remove the confidential information, or handled as agreed by the parties upon approval of the Court. Counsel shall comply with Local Rule 79 regarding the sealing of documents.

6. Any violation of the terms of this Protective Order may subject the violator to sanctions as determined appropriate and ordered by the Court.

7. The terms of this Order shall survive any final disposition of this case, absent further Order of the Court, or written agreement of the parties hereto.

8. No modification or amendment of this Protective Order is permitted except by Order of this Court or by writing signed by counsel for the parties and approved by the Court.

SO ORDERED AND ADJUDGED this the 23rd day of September, 2011.

S/ Linda R. Anderson
UNITED STATES MAGISTRATE JUDGE

Submitted By:

Counsel for Meridian Public School District:

/s/ Holmes S. Adams

Holmes S. Adams (MSB No. 1126)
Laura Ford Rose (MSB No. 102256)
Adams and Reese LLP
1018 Highland Colony Parkway, Suite 800
Ridgeland, Mississippi
Tel: (601) 353-3234
Fax: (601)-355-9708
Email: holmes.adams@arlaw.com
laura.rose@arlaw.com

John G. Compton (MSB No. 6433)

Witherspoon & Compton
1100 23rd Avenue
P. O. Box 845
Meridian, Mississippi 39302
Tel: (601) 693-6466
Fax: (601) 693-4840
Email: jcompton@witherspooncompton.com

Counsel for United States of America

/s/ Allison R. Brown

Allison R. Brown
Ryan C. Wilson
United States Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Patrick Henry Building, Suite 4300
Washington, DC 20530

Counsel for Plaintiffs

/s/ Fred L. Banks, Jr.

Fred L. Banks, Jr. (MSB No.
Phelps Dunbar
Post Office Box 16114
Jackson, MS 39236-6114
Tel: (601) 360-9356
Fax: (601) 360-9777
Email: banksf@phelps.com